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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,734

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Dhananjay V. Keskar

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EXAMINER

ALAM, FAYYAZ

ART UNIT

PAPER NUMBER

2618

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DELIVERY MODE

09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,734

Applicant(s)

KESKAR ET AL.

Examiner

Fayyaz Alam

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's amendment/arguments filed on 6/8/2007.

This action is made FINAL.

Response to Arguments

Applicant's arguments filed 6/8/2007 have been fully considered but they are not persuasive.

Applicant argues on pg. 12 that Bates does not teach, "negotiating a protocol between the wireless device and one or more local area supervisory devices".

Furthermore, Bates does not disclose any local area supervisory devices and no negotiation with any external devices.

Examiner respectfully disagrees. On the contrary, Bates discloses a receiving a GPS signal, which would comprise location information and allows the electronic device to determine its location. And, based on said location information applications/functions are enabled or disabled in the electronic device (see col. 7, lines 3 - 35). The received GPS signal is inherently either transmitted from the ground or base station and relayed through the satellite to the electronic device or it could be transmitted from the satellite alone. In either case, the **satellite or the ground station** would **equate** to the **local area supervisory device** of the disclosed claim. In addition, since the **GPS signal is used to determine the enablement of applications/functions** (read as negotiation) of the electronic device, therefore, negotiation is carried out between the electronic device

(read as wireless device) and base station or satellite (read as supervisory device).

Furthermore, Applicant discloses on pg. 12 that "It is fundamental in Applicant's invention to negotiate with one or more local area supervisory devices that are separate from the wireless device" and that "there is no negotiation with any external devices...". Examiner fails to recognize such a limitation in the disclosed claims.

The Arguments above apply to independent claims 1, 12, and 19. Therefore, the rejection of claims 1 - 29 is sustained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 2, 6, 9, 12 - 13, 17, 19 - 20, 24, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by **Bates et al. (U.S. Patent # 7,080,402)**.

Consider **claims 1 and 12**, Bates et al. disclose a method and a machine readable medium having embodied thereon instructions, which when executed by a machine, comprising: an electronic processing device (100) (read as wireless electronic device; see col. 6, lines 9 - 10; fig. 1) that is capable of determining a geographic location in a given region of communication and therefore it must communicate with a

base station or a supervisory device associated with a local area of wireless coverage; once a given geographic location is determined the electronic device (100) (read as wireless electronic device) determines what application/function to enable according to a data record (320) (read as negotiating an associated environment protocol between the wireless device and the one or more local area supervisory device; see col. 7, lines 3 - 35); and the electronic device (100) (read as wireless electronic device) interrogates (read as determining) the enablement bit to determine which application/function is automatically enabled or disabled (read as available for use) in the given geographic region (read as determining which functions are available for use in the wireless device in the local area based on the outcome of the negotiation; see col. 7, lines 3 - 35).

Consider **claims 2, 13, and 20** as applied to claims 1, 12, and 19, Bates et al. disclose priorities are assigned to each geographic region, as well as, to each application/function (read as one or more priority levels associated with the local coverage area and a priority level associated with each function of the wireless device) (see col. 3, lines 6 - 7; fig. 3).

Consider **claims 6, 17, and 24** as applied to claims 1, 17, and 19, Bates et al. disclose a data record (320) which is comprised of priorities (312) and on/off bits (314) for the geographic region (read as local area supervisory device) and the electronic device (read as wireless electronic device) (read as set of preferences associated with the functions of the wireless device and a set of preferences and restrictions associated with the one or more local area supervisory devices) (see fig. 3).

Consider **claims 9 and 27** as applied to claims 1 and 19, Bates et al. disclose the electronic device (read as wireless electronic device) determines the enablement of the application/function (read as the determination of which functions are available to the wireless device is made by the wireless device) (see col. 7, lines 3 - 35).

Consider **claim 19**, Bates et al. disclose a bus (135); a CPU (105) (read as processor) coupled to the bus (135); a network interface (120) coupled to the bus (135); and memory (110) coupled to the CPU (105) (read as processor), the memory (110) adapted for storing instructions, which upon execution by the processor establishes a connection, where, an electronic processing device (100) (read as wireless electronic device; see col. 6, lines 9 - 10; fig. 1) that is capable of determining a geographic location in a given region of communication and therefore it must communicate with a base station or a supervisory device associated with a local area of wireless coverage; once a given geographic location is determined the electronic device (100) (read as wireless electronic device) determines what application/function to enable according to a data record (320) (read as negotiating an associated environment protocol between the wireless device and the one or more local area supervisory device; see col. 7, lines 3 - 35); and the electronic device (100) (read as wireless electronic device) interrogates (read as determining) the enablement bit to determine which application/function is automatically enabled or disabled (read as available for use) in the given geographic region (read as determining which functions are available for use in the wireless device in the local area based on the outcome of the negotiation; see col. 7, lines 3 - 35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 - 4, 5, 7, 10 - 11, 14 - 16, 18, 21 - 23, 25, and 28 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bates et al. (U.S. Patent # 7,080,402)**.

Consider **claims 3, 14, and 21** as applied to claims 2, 13, and 20, Bates et al. fail to disclose comparing the one or more priority levels associated with the local area supervisory devices to each wireless device function priority level; and setting permissions for the operation of each wireless device function based on the results of the comparison.

In the same field of endeavor, Bates et al. disclose that priorities are assigned to both the geographic region (read as local area supervisory devices) and electronic device (read as wireless electronic device) application/function and therefore the priorities may be compared since otherwise there would be no purpose of setting priorities in both devices. In addition, once the comparison has taken place the electronic device would restrict access to an application/function in a given geographic location (read as comparing the one or more priority levels associated with the local area supervisory devices to each wireless device function priority level; and setting permissions for the operation of each wireless device function based on the results of the comparison) (see col. 3, lines 6 - 13; col. 7, lines 3 - 35; fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to compare priorities since they are already set for both the geographic region (read as local area supervisory device) and the electronic device (wireless electronic device).

Consider **claims 4, 15, and 22** as applied to claims 3, 14, and 21 Bates et al. fail to disclose allowing the operation of functions that have a higher priority level than any

local area supervisory device priority level; and disallowing the operation of functions that have a lower priority level than a local area supervisory device priority level

In the same field of endeavor, Bates et al. disclose priorities for the geographic region (read as supervisory device) and the electronic device (wireless electronic device) and selecting the highest priority region that has particular applications/functions associated with the given region and therefore only certain applications/functions are enabled based on the priorities (read as allowing the operation of functions that have a higher priority level than any local area supervisory device priority level; and disallowing the operation of functions that have a lower priority level than a local area supervisory device priority level) (see col. 3, lines 6 - 13, col. 7, lines 3 - 35; fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to allow and disallow the use of functions in the wireless electronic device based on performing a trivial comparison of the priorities of the two devices, i.e., the wireless electronic device and the supervisory device.

Consider **claims 5, 16, and 23** as applied to claims 4, 15, and 22, Bates et al. disclose the applications/functions are enabled by the user (read as settings most preferred by the user) and the function/application is allowed in the give geographic region (read as one or more supervisory devices) (see col. 8, lines 8 - 33).

Consider **claims 7, 18, and 25** as applied to claims 6, 17, and 24, Bates et al. fail to disclose comparing the priority level associated with each local area supervisory device preference and restriction to the priority level associated with each wireless

device function; and setting permissions for the operation of each wireless device function based on the results of the comparison.

In the same field of endeavor, Bates et al. disclose that priorities are assigned to both the geographic region (read as local area supervisory devices) preferences and restrictions and electronic device (read as wireless electronic device) application/function and therefore the priorities may be compared since otherwise there would be no purpose of setting priorities in both devices. In addition, once the comparison has taken place the electronic device would restrict access to an application/function in a given geographic location (read as comparing the one or more priority levels associated with the local area supervisory devices to each wireless device function priority level; and setting permissions for the operation of each wireless device function based on the results of the comparison) (see col. 3, lines 6 - 13; col. 7, lines 3 - 35; fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to compare priorities since they are already set for both the geographic region (read as local area supervisory device) and the electronic device (wireless electronic device).

Consider **claims 10 and 28** as applied to claims 1 and 19, Bates et al. fail to disclose the determination of which functions are available to the wireless device is made by one or more of the local area supervisory devices.

In the same field of endeavor, Bates et al. disclose that the electronic device determines which applications/functions are available to it.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to reduce the processing burden on the wireless electronic device by implementing the determination process in the local area supervisory device.

Consider **claims 11 and 29** as applied to claims 1 and 19, Bates et al. fail to disclose the determination of which functions are available to the wireless device is made by a combination of the wireless device and one or more local area supervisory devices.

In the same field of endeavor, Bates et al. disclose that the electronic device determines which applications/functions are available to it.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to reduce the processing burden on the wireless electronic device by implementing the determination process in a combination of wireless device and the local area supervisory device.

Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bates et al. (U.S. Patent # 7,080,402)** in view of **Daniels et al. (U.S. Application # 2004/0259574)**.

Consider **claims 8 and 26** as applied to claims 1 and 19, Bates et al. comparing local area preferences and restrictions associated with each local area supervisory device with capabilities and user preferences of the wireless device; and setting

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permissions for the operation of each wireless device function based on the results of the comparison.

In the related filed of endeavor, Daniels et al. disclose comparing the user's privacy policy (read as capabilities and user preferences of the wireless device) with the service provider's privacy policy (read as local area preferences and restrictions associated with each local supervisory devices); and determining whether to transmit the service provider's content to the corresponding mobile device (read as setting permissions for the operation of each wireless device function based on the results of the comparison) (see [0028]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Bates et al. with the teachings of Daniels et al. in order to allow access to the mobile device functions in a given location.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

August 20, 2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER